

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

**Inventors:** John Stephen Dunfield et al.

**Examiner:** Saira Raza

**Application No:** 10/765,402

**Group Art Unit:** 1711

**Filing Date:** January 27, 2004

**Confirmation No:** 2192

**Title:** Method of Making Microcapsules Utilizing A Fluid Ejector

Mail Stop Appeal Brief-Patents  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, Virginia 22313-1450

**SECOND REPLY BRIEF TO EXAMINER'S ANSWER UNDER 37 CFR §41.3?**

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Dear Sir/Madam:

This Reply Brief is presented in response to the second Examiner's Answer mailed May 2, 2007, and in support of the Reply Brief filed April 23, 2007, and the Appeal Brief filed October 31, 2006, and the Notice of Appeal filed August 31, 2006 appealing the rejection of claims 1-30, 32-34, 39-41, 46-57, 59-61, and 66-67 of the above-identified application as set forth in the Final Office Action mailed July 31, 2006.

**Argument**

**Reply to Examiner's Response to Arguments**

As best Appellants can determine this Examiner's Answer is identical to Examiner's Answer mailed February 22, 2007 except for minor formatting changes and the added Signature of Jennifer Michener Quality Assurance Specialist. If Examiner has made any changes to Examiner's answer, mailed February 22, 2007, Appellants respectfully request Examiner call Appellants' representative and particularly point out where such changes have been made so that Appellants may properly respond. Appellants have no further arguments to add at this time and believe this case should be docketed with the Board of Patent Appeals and Interferences.

**CONCLUSION**

For the above reasons set forth in Appellants' Reply Brief mailed April 23, 2007, in addition to those reasons set forth in the Appellants' Appeal Brief, Appellants respectfully submit that the cited art neither anticipates nor renders the claimed invention obvious, and therefore the claimed invention does patentably distinguish over the cited art. Therefore, Appellants respectfully submit that the rejections to pending claims 1-72 are in error, and Appellants respectfully request that the Board reverse the Examiner and find all pending claims allowable.

Appellant respectfully requests the timely issuance of a notice of allowance indicating that claims 1-72 are allowed.

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Respectfully submitted,  
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